THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16367 of 2007

Dated:06.08.2007

Between:

Nune Krishnaveni

...PETITIONER

and

The Tahsildar, Jaggampeta.

...RESPONDENT

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16367 of 2007

ORDER:

The petitioner is owner of land admeasuring Ac.0.20 in survey No.24/5 situated at Katrevulapalli Village, Jaggampeta Mandal, East Godavari District, having purchased the same under a registered sale deed dated 11.04.2001 from Sri Kanaka Lakshmi, who purchased the same from one Anuga Suryanarayana under a registered sale deed dated 23.04.1990. The petitioner alleges that from the date of purchase she is in peaceful possession and enjoyment of the land. The respondent initiated action under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity), and issued a notice on 04.05.2007 in Form II under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfer) Rules, 2007, calling upon the petitioner to show cause as to why she should not be summarily evicted from the assigned land. After receiving the notice, the petitioner submitted explanation and the respondent is yet to pass orders. In the meanwhile, it is alleged that the respondent is trying to evict the petitioner without passing any orders under Section 4 of the Act. Hence, she filed instant writ petition assailing the notice issued by the respondent on 04.05.2007.

The learned counsel for petitioner does not dispute that against show cause notice, a writ petition would not lie. He, however, submits that the respondent without passing any orders under Section 4 of the Act is trying to evict petitioner, and therefore, the petitioner is constrained to file instant writ petition.

After perusing the affidavit accompanying the writ petition and giving anxious consideration to submissions made by learned counsel for the petitioner, this Court is not able to accept the writ petition. When the respondent has not passed any orders under Section 4 of the Act, the question of evicting the petitioner does not arise. The respondent shall pass necessary orders immediately before taking any steps for evicting the petitioner.

The writ petition, with the above observations, is accordingly dismissed. No costs.

(V.V.S.RAO, J)

06th August, 2007
ghn